

A U S T I N C I T Y C O U N C I L

AGENDA



Thursday, May 18, 2006

Item #62

Back

**Public Hearings and Possible Actions
RECOMMENDATION FOR COUNCIL ACTION**

Subject: Conduct a public hearing and consider action on an appeal by Dale Bulla, Vice-President, 2222 Coalition of Neighborhood Associations, Inc. (2222 CONA), of the Zoning and Platting Commission's decision to approve phasing of a released site plan, under Section 25-5-63 (C) of the City Code, Champion Commercial SPC-05-0012A, located at 6015 North Capitol of Texas Highway. (Related to item #39)

<p>Additional Backup Material</p> <p>(click to open)</p> <p><input type="checkbox"/> Background</p> <p><input type="checkbox"/> Staff text</p>

Board and Commission Action

November 1, 2005 - Zoning and Platting Commission: Approval of Hill Country Roadway site plan 9-0 (3 year expiration - November 1, 2008);

January 17, 2006 - Zoning and Platting Commission: Approval of Extended Phasing for an approved site plan 7-0 (Phase One - 5 years, expiration date November 1, 2010; Phase Two - 10 Years, expiration date November 1, 2015).

Description

November 1, 2005 - City staff recommended approval of a site development permit for Champion Commercial, a proposed development within a Hill Country Roadway Corridor (land use only). The Zoning and Platting Commission granted the approval with the normal 3-year expiration date. The project met all applicable regulations including regulations set forth per the Settlement Agreement (Ordinance No. 96-0613-J).

January 17, 2006 - City staff recommended approval of a request by the applicant per LDC 25-5-21 for an extended phasing plan (5 years for Phase One, and 10 years for Phase Two) for the Champion Commercial site plan. The Zoning and Platting Commission approved the extension of the approved site plan.

The Land Development Code (LDC 25-5-21) allows for Land Use Commission action on site plan phasing to be appealed by interested parties to the City Council.

Dale Bulla, Vice-President, 2222 CONA is appealing the Zoning and Platting Commission's decision to approve an extension of a released site plan. Please see attached documents.

CHAMPION COMMERCIAL DEVELOPMENT
SITE PLAN PHASING APPEAL OVERVIEW
SFC-05-0012A

Background:

- The site development permit was initially approved by Zoning and Platting Commission on November 1, 2005, with a 3-year life (expiration date 11-1-2008).
- Subsequently, extended phasing for the site development plan was approved by Zoning and Platting Commission on January 17, 2006. The Commission approved expiration dates of 11-1-2010 (5 years) for Phase I and 11-1-2015 (10 years) for Phase II.
- An appeal was filed by Dale Bulla, 2222 CDNA appealing "approval of a site plan" January 20, 2006. The only issue which is subject to appeal is the extended phasing. The site plan itself is already approved and is not subject to appeal at this time.

Development Information:

- The applicant proposes to construct two commercial retail buildings totaling 56,810 square feet, along with parking, drives, utilities, and a full sedimentation/filtration pond.
- This project is in the City of Austin Full Purpose City limits and is located in the Hill Country Roadway Corridor at the southeast corner of RM 2222 and Capital of Texas Highway.
- This project is governed by a Compromise Settlement Agreement (Ordinance No. 96-0613-J), which makes the property subject to the 1993 Lake Austin Watershed Ordinance rather than the Comprehensive Watershed Ordinance. The agreement also allows for reduced setbacks along RM 2222.
- This site is NOT a part of the current Champion lawsuit against the City of Austin.

Options:

- Council may uphold, reverse, or modify the Commission's approval of extended phasing.
- If Council upholds the Commission's decision, the extended phasing will be allowed. Instead of the normal 3 years, the applicant will be allowed 5 years to complete Phase I and 10 years to complete Phase II.
- If the Council reverses the Commission's decision, the applicant will be allowed only 3 years to complete both phases of the development. The site plan approval will remain in place.
- Council may also modify the Commission's decision and allow a different period of phasing.

Staff Recommendation:

- Staff recommends denial of the appeal as the site plan is in compliance with the Code and the Compromise Settlement Agreement.

ZONING & PLATTING COMMISSION SITE PLAN
Development Phasing Request
REVIEW SHEET

CASE NUMBER: SPC-05-0012A **COMMISSION DATE:** January 17, 2006

ADDRESS: 6015 N. Capital of Texas Highway

WATERSHED: Bull Creek (Water Supply Suburban)

AREA: 9.201 Acres (Land Status Determination Case# CBI-87-023)

EXISTING ZONING: GR-CO, RR

PROJECT NAME: Champion Commercial Development

PROPOSED USE: The proposed development consists of construction of two commercial/retail buildings, all associated parking, drives, utilities, and a full sedimentation/filtration pond, to be built in two phases.

APPLICANT: Champion Assets, Ltd. (Josie Champion)

AGENT: Michael Whellan
Graves, Dougherty, Hearon & Moody

Hanrahan-Pritchard Engineering, Inc. (Steven R. Jamison, P.E.)

NEIGHBORHOOD ORGANIZATION:

#742 Austin Independent School District
#511 Austin Neighborhoods Council
#475 Bull Creek Foundation
#439 Concerned Citizens For P&B of FM 2222
#434 Lake Austin Business Owners
#426 River Place Residential Community Assn., Inc.
#157 Courtyard Homeowner Assn.
#53 Northwest Austin Civic Association

APPLICABLE WATERSHED ORDINANCE: Lake Austin Watershed Ordinance, per
Compromise Settlement Agreement
(Ordinance No. 96-0613-J).

CAPITOL VIEW: Not applicable

TIA: The TIA has been waived as this site is subject to all conditions of the original TIA and restrictive covenant performed with zoning case C14-91-0015.

SUMMARY STAFF RECOMMENDATION FOR DEVELOPMENT PHASING

REQUEST: This Hill Country Roadway site plan was approved by the Zoning and Platting Commission on November 1, 2005, for land use only. Currently, the approved plan would have a 3-year expiration date (November 1, 2008). The applicant is requesting extended phasing at this

time. The applicant would like the expiration date extended to 5 years for Phase I and 10 years for Phase II.

Staff recommended approval of the extended phasing. This site plan will be in compliance with all applicable regulations prior to release of the permit.

The Commission's approval of the extended phasing has been appealed by Mr. Dale Bulla, representing 2222 CONA. Staff recommends denial of the appeal.

Zoning and Platting Commission Action:

November 1, 2005 - Commission approved the Hill Country Roadway site plan for land use only.
January 17, 2006 - Commission approved request for extended phasing.

CASE MANAGER: Kathy Haught
E-MAIL: Kathy.haught@ca.sustm.tx.us

PHONE: 512-974-2724

PROJECT INFORMATION:

Total square footage:
56,810 s.f. for both proposed buildings (Phase I and Phase II)

Building/ Structure Use: general retail / food sales

High Intensity/HCR Height/ Stories Allowed: 28' maximum
Height/ Stories Proposed:
Phase I: Building #2: 28' max. / Two Stories (48,710 s.f.)

Phase II: Building #1: 28' max. / One Story (8,100 s.f.)

Minimum Required Parking: 200 regular spaces / 7 handicap spaces = 207 total
Parking Provided: 201 regular spaces / 7 handicap spaces = 208 total

Maximum F.A.R. Allowed per HCR High Intensity Zone: 0.30 : 1
F.A.R. Proposed: 0.142 : 1

Allowed Impervious Cover per Lake Austin Ordinance: 50% of Net Site Area
Proposed Impervious Cover: 41.3% of Net Site Area
*(note: CWO would have required 40% impervious cover of Net Site Area)

Minimum Required IIC Natural Area (per Hill Country Roadway/current code): 40%
IIC Natural Area Provided: 40%

Setback for HCR buffer is reduced by Settlement Agreement to 25'. (Current Code HCR would have required 100' setback.)

Water Quality: an on-site pond will provide the equivalent of current water quality controls for the site.

Proposed Access: Loop 360 and R M 2222

Subdivision status: The property is a legal tract under Land Status Determination LSA-87-023: 9.201 Ac. Recorded in Doc. # 2001143485 of the Travis County Records, more particularly described as: TRACT 4: 9.201 ACRE TRACT OF LAND OUT OF THE THOMAS JEFFERSON CHAMBERS GRANT, COMPRISED OF A CALLED 8.259 ACRE TRACT OF LAND AND A CALLED 0.942 ACRE TRACT OF LAND, BOTH CONVEYED TO CHAMPION ASSETS LTD., CHAMPION-MEIER ASSETS LTD. & CHAMPION LEGACY PARTNERS L.P. AND BEING THE SAME PROPERTY DESCRIBED IN THAT CERTAIN RESTRICTIVE COVENANT OF RECORD IN VOLUME 11688, PAGE 797 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The 9.201-acre Champion Commercial Development project is located at the southeast corner of the intersection of Loop 360 and RM 2222. This tract is located in the City of Austin corporate limits, (zoned GR-CO & RR), and within Travis County. The site is currently vacant. The intent of this project is to construct two commercial/retail buildings, all associated parking, drives, utilities, and a full sedimentation/filtration pond.

Environmental: There is a settlement agreement associated with this project. This tract shall be developed, constructed and maintained in conformance with the terms and conditions of the settlement agreement (ORD. NO. 96-0613-J). This project is not subject to the Comprehensive Watershed Ordinance, but is required to comply with the Lake Austin Watershed ordinance.

This project is within the Bull Creek watershed, classified as Water Supply Suburban. No portion of this tract is located within the Edwards Aquifer Recharge Zone. An on-site full sedimentation/filtration pond will provide water quality control for the site equivalent to current code. RSMP participation has been approved by the Watershed Engineering Division for this project (although payment is not required until release of Part B Site Plan)

An administrative variance from LDC Section 25-8-341 *Cut Requirements* to allow cut in excess of 4-feet, (in the water quality facility), has also been approved for this project.

Transportation: A traffic impact analysis for the site was performed in 1991 with zoning case C14-91-0015. The TIA assumed that the uses on the site would generate a total of 13,400 vehicle trips per day. The uses shown on the site plan will actually generate a total of 5,600 trips per day. The applicant agreed in 1991 to restrict all driveways to right-in, right-out access only. In addition, fiscal surety in the amount of \$14,000 was posted to extend the median along RM 2222 to prevent left turns into or out of the site. This work is to be undertaken by TXDOT as part of a project to eliminate the low-water crossing on RM 2222 just east of the site. See attached memo dated June 6, 1991.

SURROUNDING CONDITIONS:

Zoning/ Land Use

North: ROW (R M 2222), then GR-CO (Commercial Use)

East: P (Fire Station)

South: PUD (Drainage Easement/Vacant)

West: ROW (Loop 360)

<u>Street Name</u>	<u>ROW</u>	<u>Pavement</u>	<u>Classification</u>
Loop 360	varies	2 @ 24 ft.	Major Arterial
R M 2222	varies	48 ft.	Major Arterial

E
GRAVES DOUGHERTY HEARON & MOODY
A PROFESSIONAL CORPORATION

Michael J. Whelan
512.480.5734
512.480.5834 (fax)
mwhelan@grdh.com

MAILING ADDRESS
P.O. Box 88
Austin, TX 78767

October 28, 2005

Via Regular Mail and E-mail
Ms. Betty Baker
Chair, Zoning and Platting Commission
City of Austin
P.O. Box 1088
Austin, Texas 78701

RE: Request for (i) Phasing of Site Plan and (ii) Extended Expiration of the Site Plan to Five (5) and Ten (10) Years After the Site Plan is Approved -
Champion Commercial Development (the "Project"), 6015 N. Capital of Texas
Highway, Austin, Travis County, Texas; Case Number SPC-05-0012A.

Dear Chair Baker:

In conjunction with the submittal of the Site Plan, SPC-05-0012A, (the "Site Plan") for the Project, the Applicant has filed a request for phasing of the Site Plan and also seeks an extended expiration of the Site Plan, pursuant to Section 25-5-21 of the City of Austin Land Development Code (the "Code").

At this time, we request: (i) approval of phasing of the Site Plan for the Project; and (ii) approval of commencement of the first phase of the development to not later than five (5) years, and the commencement of the last phase of the development to not later than ten (10) years, after approval of the site plan by the Zoning and Platting Commission. The Project includes two commercial buildings with different potential users. The Site Plan is phased to allow the development to respond to market conditions over different periods of time.

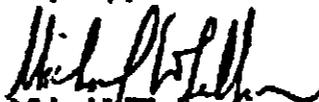
In addition to accommodating the timing of the Project to market conditions, there are many practical reasons for extending the expiration date. First, the property is subject to a Compromise Settlement Agreement between the City of Austin and the Champion Family dated June 27, 1996, which fixes the regulations applicable to the Project. Thus, the applicable regulations for this property will not change in the future - even if the Site Plan expires. Therefore, no reason exists to require prematurely the re-submission of a new plan that would be identical to (and subject to the same regulations as) this Site Plan.

Second, as you and other Commissioners are well aware, the process to prepare a Site Plan requires time and money. If another Site Plan has to be sought, both the City and Champion family will incur unnecessary expenditures of time and expense. Under the circumstances, we believe that it is reasonable and fair to approve an extended expiration of the phasing of the Site Plan of five (5) and ten (10) years, especially since the regulations applicable to the Project are fixed.

October 26, 2005
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If you have any questions or need additional information regarding this request, please do not hesitate to contact me at 480-5734.

Very truly yours,



Michael J. Whelan

MJW/kh

cc: Ms. Josie Ellen Champion
Ms. Alex Jantina Champion Meier
Ms. Mary Margaret Champion Roberson
Mr. Joe Pazzaloni, Director (via e-mail)
Ms. Tammie Williamson (via e-mail)
Ms. Kathy Haught (via e-mail)



City of Austin Watershed Protection and Development Review Department
 505 Barton Springs Road / P.O. Box 1058 / Austin, Texas 78767-8835

SITE PLAN APPEAL

If you are an applicant and/or property owner or interested party, and you wish to appeal a decision on a site plan application, the following form must be completed and filed with the Director of Watershed Protection and Development Review Department, City of Austin, at the address shown above. The deadline to file an appeal is 14 days after the decision of the Planning Commission, or 20 days after an administrative decision by the Director. If you need assistance, please contact the assigned City contact at (512) 974-2680.

CASE NO. SPC-05-0012A
 PROJECT NAME: Champion Commercial
 Development
 PROJECT ADDRESS 6015 N. Capital Of Texas
 Hwy., Bull Creek Watershed
 APPLICANT'S NAME Champion Assets, Ltd.
 (Josie Champion)
 CITY CONTACT Kathy Haught

DATE APPEAL FILED January 30, 2006
 YOUR NAME Dale Bulla
 SIGNATURE Dale Bulla
 YOUR ADDRESS 7202 Foxtree Cove
 Austin, TX 78750
 YOUR PHONE NO. (512) 345-9528 WORK
 (512) 345-9528 HOME

INTERESTED PARTY STATUS: Indicate how you qualify as an interested party who may file an appeal by the following criteria: (Check one)

- I am the record property owner of the subject property
- I am the applicant or agent representing the applicant
- I communicated my interest by speaking at the Planning Commission public hearing on (date) 1/17/06.
- I communicated my interest in writing to the Director or Planning Commission prior to the decision (attach copy of dated correspondence).

In addition to the above criteria, I qualify as an interested party by one of the following criteria: (Check one)

- I occupy as my primary residence a dwelling located within 500 feet of the subject site.
- I am the record owner of property within 500 feet of the subject site.
- I am an officer of a neighborhood or environmental organization whose declared boundaries are within 500 feet of the subject site.

DECISION TO BE APPEALED*: (Check one)

- Administrative Disapproval/Interpretation of a Site Plan Date of Decision: _____
- Replacement site plan Date of Decision: _____
- Planning Commission Approval/Disapproval of a Site Plan Date of Decision: 1/17/2006
- Waiver or Extension Date of Decision: _____
- Planned Unit Development (PUD) Revision Date of Decision: _____
- Other _____ Date of Decision: _____

*Administrative Approval/Disapproval of a Site Plan may only be appealed by the Applicant.

STATEMENT: Please provide a statement specifying the reason(s) you believe the decision under appeal does not comply with applicable requirements of the Land Development Code:

See attached statement.

Dear Council

2222 CONA requests reversal by the City Council of the Zoning and Planning Commission (ZAP) decision on January 17, 2008 to allow phasing and extension of the Site Plan for Champion Tract 4 (SPC-06-0012A). This case requested and received approval to phase the development and extend the deadlines for five (5) and ten (10) years on the two phases. Although there was public comment and conflicting information provided by the applicant and public during the 17 January 2008 hearing, the Commission had no discussion of the issues and provided no reasoning for its approval of this request. This case deserves a review by City Council:

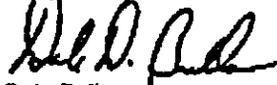
This property is subject to a Special Exception Ordinance No 960613-J granting it special development rights to develop the property subject to the 1984 Lake Austin Watershed Ordinance instead of current development restrictions. The period of this special exemption is 10 years, beginning in 1998. The applicant has chosen to not develop this property in this 10 year period, and now wants the special exemptions to be extended for another five (5) and ten (10) years.

The applicant has no right to this prolonged extension and there are no compelling reasons why this special exemption should be extended. The applicant had ten years since 1998 to develop the tract under obsolete regulations which threaten health and public safety. Development under the 1984 Lake Austin Watershed Ordinance threatens Bull Creek, which is adjacent to this tract and which contributes to Austin's municipal water supply. The City should not in any way facilitate the development of this tract under obsolete regulations.

Please do not continue to extend the benefits and special exceptions that the Champions have been granted by suing the City of Austin. The City Charter requires the City to act in the best interests for the health and safety of the public, and the City must insist that developers comply with the codes and ordinances that are enacted to do just that. Please review the request that was approved by the ZAP on 17 January 2008 and DENY the request to extend the expiration dates for the Site Plan for Champion Tract 4 SPC-06-0012A. The partial Site Plan has not even received final approval and it is inappropriate to extend the deadline at this time.

The attached Background Material provides additional information.

Respectfully,



Dale Bufta
Vice-President, 2222 CONA
Director, Jester Estates Board of Directors
7202 Foxtree Cove
Austin, TX 78750

Background Material

On 9 December 1993 the City Council passed Ordinance No. 931209-H, declaring that "...an emergency exists concerning the safe, orderly, and healthful growth of the City." It required that the Ordinance be effective immediately upon its passage as required by the emergency and as provided by the City Charter "To assure the immediate preservation of the public peace, health, and safety...". This Ordinance was an emergency measure to protect the Buf. Creek and West Buf. Creek Watersheds, which contribute to our suburban drinking water supply.

On 12 June 1996 the City passed Special Exception Ordinance No. 960813-J which granted special exceptions to the Champion tracts that were affected by the 1993 ordinance, allowing them to instead develop the property under the 1994 Lake Austin Watershed Ordinance if they took advantage of this special exception by commencing the development within 10 years. Failure to take advantage of the special exception benefits within the specified times required that the development be governed by the current code in effect at the time the development application is filed.

During many requests to rezone their property for more intense land use the Champion interests claim they are being punished for the traffic problems because they are "last in line" to develop, yet they do not act in good faith to develop their property. The Site Plan for this Tract 4 is just now undergoing approval and has been divided into two "parts" to avoid providing all the required details while technically meeting the terms of the Compromise Settlement Agreement enacted by Ordinance 960813-J by filing a Site Plan before June 2006. The Site Plan for this tract would not expire according to the standard Land Development Code process until sometime in 2008 (depending on final approval date). Why is it in the best interests of the City and the public to grant another extension at this time, extending the special exception benefits through 2016, and allowing this property to be developed under watershed protection rules that will then be more than 30 years old? The City declared an emergency in 1993 to improve the water quality controls for the health and safety of the public and it is no less important in 2006.

The TIA conducted for the Champions in 1996 did not consider this development on Tract 4 and has not been updated with current traffic conditions and assumptions. The plan for phased development for this tract does not provide solutions to mediate the traffic problems, as required by Section 25-6-21 of the LDC, and the 1996 TIA data and assumptions will only become more obsolete and the traffic issues more severe as time goes by. (The 1996 TIA for Tracts 1 and 2 is based on conditions that existed eight years ago and an assumption that the development of Tracts 1 and 2 would be completed by 2003, all of which is now completely obsolete.)

The applicant stated in the Request for Phasing and Extended Expiration that the reason to phase and extend the development is to "allow the development to respond to market conditions over different periods of time." The Site Plan reflects delaying one building with 8,100 SF Retail located in the middle of the parking lot to Phase 2 of the development. With Retail zoning the applicant already has much flexibility in responding to market conditions with the mix of retail, and the phasing of this small parcel of the property will only exacerbate the disruption to the surrounding PULZZZ and Loco 360 roadways and neighborhoods with ongoing construction activities.

In requests for more intense zoning the applicant justifies that "market forces" are driving them to dense land use, yet they are asking for an inordinate amount of time to execute on a Site Plan so they can "respond to market conditions over different periods of time." These "market forces" are nebulous and do not justify a reasonable need.

2222 CONA requests that ZAP deny the requests for phased development with an extension of time to develop Tract 4, on the grounds that:

1. Questions regarding the legality of the 1996 CSA have not yet been resolved.
2. The TIA conducted for the Champions in 1998 did *not* consider this development on Tract 4 and has *not* been updated with current traffic conditions and assumptions. The plan for phased development for this tract does *not* provide solutions to mediate the traffic problems, as required by Section 25-5-21 of the Land Development Code.
3. The Champions have repeatedly complained that they are being punished for the traffic problems because they are "last in line" to develop, yet they do not act in good faith to develop their property.
4. Phasing the development on this 9-acre tract is not logical with the shared water quality controls and parking, and will exacerbate the disruption to the surrounding FM2222 and Loop 360 roadways and neighborhoods.
5. With the request of this extension the Champions are just delaying the posting of fiscal security while preserving their Special Exemptions and ability to modify the minimal, incomplete site plan that has been submitted.
6. Extending the expiration dates for this Site Plan gives unfair advantage to the Champions as they wait to see what other developers might do. "Allowing the development to respond to market conditions" is *not* a reasonable need for the requested phasing and extension.
7. The Champions have been in violation of their TCEQ Conditional Permit relating to cleanup of lead shot on Tract 1 since at least summer 2001. Lead shot is accumulating in Bull Creek, the watershed in which Tract 4 also is located.

Staff Response to Appeal Issues

1) "Questions regarding the legality of the 1996 CSA [settlement agreement] have not been resolved."

Staff Response: Council has previously been advised about the legal aspects of the settlement agreement in executive session.

2) "The TIA conducted for the Champions in 1998 did not consider this development on Tract 4 and has not been updated with current traffic conditions and assumptions. The plan for phased development for this tract does not provide solutions to mediate the traffic problems, as required by Section 25-5-21 of the Land Development Code."

Staff Response: A traffic impact analysis was conducted in 1991 for this site in conjunction with the zoning case (C14-91-0015). The TIA recommended that all driveways be designed for right turns in and right turns out only, which is consistent with the pending site plan. The TIA also recommended that the median along RM 2222 be extended eastward to physically prevent left turns into or out of the site driveway. This work is currently planned to be implemented by the Texas Department of Transportation in conjunction with the elimination of the low-water crossing at Bull Creek to the east of the site. Staff does not anticipate any other improvements at this location that would further mitigate site-generated traffic impact.

3) "The Champions...do not act in good faith to develop their property".

Staff Response: The site development application was filed according to the deadlines set forth within the settlement agreement.

4) "Phasing the development on this 9-acre tract is not logical with the shared water quality controls and parking, and will exacerbate the disruption to the surrounding FM 2222 and Loop 360 roadways and neighborhoods."

Staff Response: All water quality controls and parking will be constructed in the first phase. The only work to be done in the second phase is construction of a building. Since all Phase 2 work will be contained on the site, there will be minimal disruption to the surrounding roadways and neighborhoods.

5) "The Champions are delaying posting fiscal security..."

Staff Response: Transportation fiscal surety was posted for zoning case C14-91-0015 in the amount of \$14,000 to construct a raised median and to widen RM 2222. Fiscal for other purposes such as erosion controls is construction-related and is not required until the Part B site development application is filed.

6) "Allowing the development to respond to market conditions is not a reasonable need for the requested phasing and extension".

Staff Response: Market conditions have been a consideration in the granting of other phasing requests.

7) "Champions have been in violation of their TCEQ Conditional Permit relating to clean up

of lead shot on Tract 1 since at least summer 2005. Lead shot is accumulating in Bull Creek, the watershed in which Tract 4 is also located.

Staff Response: Tract 1 is not a part of this site plan. The site plan encompasses only Tract 4, which has not been subject to TCEQ action.

M E M O R A N D U M

TO: Alice Glasco, Program Manager
FROM: George Zapalac, Transportation Review Manager
DATE: June 6, 1991
SUBJECT: Review of the Traffic Impact Analysis for Champion Tracts D & E
Case #: C14-91-0013/0016

The Transportation Section reviewed the traffic impact analysis for Champion Tracts D and E.

Trip Generation

The development proposal identified in the traffic impact analysis included a total of 170,000 square feet of retail uses on the two tracts: 90,000 square feet on Tract D (southern tract) and 80,000 square feet on Tract E (northern tract). Upon completion of the proposed development in 1993, the proposed development will generate approximately 13,400 vehicle trips per day (unadjusted). An estimated 320 a.m. peak hour trips and 1,150 p.m. peak hour trips will occur as a result of the proposed development.

Roadways

R.M. 2222 — is a four-lane undivided roadway. In 1988, the average daily traffic volume on this segment of R.M. 2222 was 16,700. The City's long-range roadway plan, the Austin Metropolitan Area Roadway Plan, proposes to upgrade this segment of R.M. 2222 to a six-lane divided major arterial. The State Highway Department is also evaluating an alternative design for a freeway with frontage roads. Public hearings will be conducted before a final design is adopted or approved for construction.

In the interim, the State Highway Department is reconstructing the segment of R.M. 2222 west of Loop 360 to realign and widen the roadway to a five-lane roadway: four lanes with a two-way center left-turn lane. Improvements are needed to address existing safety concerns.

Loop 360 — is a four-lane divided roadway. The Austin Metropolitan Area Roadway Plan proposes to upgrade Loop 360 to a freeway in the future, but the improvements are not programmed or funded. A traffic volume of 21,100 vehicles was recorded on the segment south of R.M. 2222 in 1988.

Lakewood Drive — is a narrow two-lane substandard roadway from R.M. 2222 to Loop 360. The roadway is 20 to 24 feet wide and is constructed without curb and gutter. A low water crossing is located midway between R.M. 2222 and Loop 360. During periods of frequent rainfall, West Bull Creek spills over the roadway at the low water crossing, creating impassable conditions for through traffic.

Intersections

The existing and projected intersection levels of service are provided below:

Signalized:

<u>Intersection</u>	<u>A.M.</u>	<u>Existing</u>		<u>1993</u>		
		<u>Delay</u> <u>(Sec.)</u>	<u>P.M. Delay</u> <u>(Sec.)</u>	<u>A.M. Delay</u> <u>(Sec.)</u>	<u>P.M. Delay</u> <u>(Sec.)</u>	<u>Delay</u> <u>(Sec.)</u>
R.M. 2222/LP 360 MSR	B	14.4	C 19.0	C 15.4	D 35.1	
R.M. 2222/LP 360 WSR	B	13.5	B 14.0	D 30.5	C 20.3	
LP 360/Lakewood Dr.	C	16.5	C 17.2	D 29.6	D 34.7	

Traffic Analysis

Access is the primary traffic issue regarding the proposed rezoning of the two tracts.

R.M. 2222 -- Left turns across opposing traffic along R.M. 2222 are not recommended due to several physical and transportation features of the roadway which would result in hazardous conditions. Driveway access for both tracts to R.M. 2222 will be located midway between the Loop 360 northbound frontage road and a narrow substandard bridge across West Bull Creek. Because of the close proximity to these features, there is insufficient space to widen this segment of R.M. 2222 to provide left turn storage for turning vehicles. Heavy directional traffic volumes on R.M. 2222 during the peak hours would create unsafe conditions for unprotected left turn maneuvers. Also, the proposed driveway location is approximately 300 feet downstream from a point where northbound right turns on Loop 360 merge with eastbound R.M. 2222 traffic, resulting in unsafe weaving conditions. Without sufficient turn storage, vehicles making a left turn into the site would block the inside travel lanes along R.M. 2222, forcing the merger of two lanes of traffic into a single lane. Increased congestion and reduced traffic safety would result.

Instead, driveway access onto R.M. 2222 should be restricted to allow right-in, right-out turn movements only. The State Department of Highways and Public Transportation provided specific design criteria (see attached) to extend the median along R.M. 2222 and prevent conflicts resulting from left turns into or out of the two tracts.

Loop 360 -- One driveway approach is also proposed to Loop 360 from each tract or parcel. Proposed access from the northern tract to Loop 360 appears to be acceptable based upon the information that has been provided at this time. Access to Loop 360 from the southern tract, however, is constrained by steep topographic conditions adjacent to the frontage road. The Loop 360 frontage road is located on a steep ridge or embankment which drops off sharply into the site. There is a change in elevation of approximately 20 to 25 feet. Construction of a driveway approach to Loop 360 from this tract will require a significant amount of fill to ramp up to the frontage road. Environmental variances will be required to exceed the

maximum permitted fill limit of 4 feet. A profile of the proposed driveway indicates that fill will exceed 14 feet in order to construct a driveway approach with a 10 percent grade. (Refer to the attached profile for Driveway D).

The Transportation Section recommends approval of GR zoning of the southern tract (Tract D) only if access can also be obtained to Loop 360. If environmental variances to exceed fill limitations are not granted and access to Loop 360 is not permitted, the land use and intensity of development for this tract should be reconsidered.

Recommendations

1. Require the applicant to post fiscal with the City of Austin for \$14,00 to extend or construct a raised median and to widen R.M. 2222 adjacent to the frontage of the subject tracts. (Additional information is attached regarding the design of such improvements as required by the State Highway Department).
2. Require channelized driveway design for driveway approaches to R.M. 222 to permit right-in, right-out movements only.
3. Require the applicant to obtain environmental variances to exceed fill limits for construction of a driveway approach to Loop 360 from Tract D (southern tract) as a condition of GR zoning approval. (This requirement should not be construed as support for the variance).
4. Development of the tracts should be limited to land uses and intensities which will not exceed or significantly vary from the projected traffic conditions assumed in the traffic impact analysis. Such assumptions included peak hour trip generation, traffic distribution, roadway conditions, or other traffic characteristics.

Please contact Carl McClendon at 499-2727 if you have any questions or need additional information.

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GL:CH

CHAMPION COMMERCIAL DEVELOPMENT
SITE PLAN - PHASED SITE PLAN CRITERIA

I. Code Requirement:

Per LDC 25-5-21(B) Phased Site Plan, "Planning Commission approval is required for development phasing if the date proposed for beginning construction of a phase is more than three years after the approval date of the site plan."

Staff Response:

The applicant requested two phases. The request was a 5 year expiration date for Phase I and a 10 year expiration date for Phase II. Zoning and Platting Commission granted this request January 17, 2006.

II. Code Requirement:

LDC 25-5-21 (C) (1):

"The entire development must be conducive to phasing, and each proposed phase must be a discrete and substantial part of the entire development."

Staff Response:

The development is conducive to phasing. Two commercial retail buildings are proposed, with associated parking, drives, utilities, and a full sedimentation filtration pond.

Phase I includes Building 2 (a 48,710 s.f. two-story building) for retail use, parking for the entire site, and a sedimentation filtration pond.

Phase II includes the remaining proposed building, Building 1 (a one story, 8,100 s.f. building) for retail use.

III. Code Requirement:

LDC 25-5-21 (C) (2):

"Each development phase must independently satisfy the requirements of Section 25-5-43 (Site Plan Release)."

The requirements of 25-5-43 are that a site plan may be recreated after:

- (1) the site plan is approved,
- (2) the applicant posts the required fiscal security with the director, and
- (3) the time period for filing an appeal of the approval of the approval expires.

Staff Response:

The criteria of Sec. 25-5-43 will be met before the site plan is released. Each phase of the site plan will independently satisfy all Code requirements if the phasing is approved by City Council. Fiscal surety is not required with the land use site plan but will be posted at the time the construction plans are approved. Once Council has acted on the appeal, there is no avenue for further appeal of the site plan.

IV. Code Requirement:

LDC 25-5-21 (C) (3):

"If a traffic impact analysis is required, the phasing plan must implement solutions to identified traffic problems that are approved by the director."

Staff Response:

A traffic impact analysis was not required for the site plan as it was done with the zoning case. A traffic impact analysis was conducted in 1991 for this site in conjunction with the zoning case (C14-91-0015). The TIA recommended that all driveways be designed for right turns in and right turns out only, which is consistent with the pending site plan. The TIA also recommended that the median along RM 2222 be extended eastward to physically prevent left turns into and out of the site driveway. This work is currently planned to be implemented by the Texas Department of Transportation in conjunction with the elimination of the low-water crossing at Bull Creek to the east of the site. Staff does not anticipate any other improvements at this location that would further mitigate site-generated traffic impact.

V. Code Requirement:

LDC 25-5-21 (D): *"The Land Use Commission shall approve a request for phasing...if it is determined that the applicant has demonstrated a reasonable need for the request."*

Staff Response:

Phasing of the project is a reasonable request because most of the project will be built in the first phase and construction of the second phase will not unreasonably disrupt the surrounding area. All water quality and parking requirements will be satisfied in the first phase.